

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In re:**

**AMES DEPARTMENT STORES, INC., et al.,** :

**Debtors.** :

**Chapter 11 Case No.  
01-42217 (REG)**

**Jointly Administered**

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**AMES DEPARTMENT STORES, INC.,** :

**Plaintiff,** :

**Adversary Proceeding  
No. 06-01890 (REG)**

**vs.** :

**LUMBERMENS MUTUAL CASUALTY  
COMPANY D/B/A KEMPER INSURANCE  
COMPANIES and AMERICAN MOTORISTS  
INSURANCE COMPANY,** :

**Defendants.** :

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**SEVENTH STIPULATION AND AMENDED SCHEDULING ORDER**

This Seventh Stipulation and Order is made among Ames Department Stores, Inc. (“Ames” or “Plaintiff”), as debtor and debtor in possession and Plaintiff in the above-captioned adversary proceeding, and Lumbermens Mutual Casualty Company and American Motorists Insurance Company (“Defendants”).

WHEREAS, on March 16, 2010, the Court entered a Stipulation and Order setting forth the agreed-upon discovery schedule, which included a time period for the parties to mediate their dispute;

WHEREAS, on April 20, 2010, the parties held a mediation before former Bankruptcy Judge Francis G Conrad;

WHEREAS, the parties were unable to resolve their dispute in mediation;

WHEREAS, the parties resumed discovery in this proceeding and held discovery conferences on June 3, 2010 and June 21, 2010;

WHEREAS, proceedings were delayed on consent during July and August due to the unforeseen and unavoidable unavailability of counsel for defendants;

WHEREAS, the parties held additional in-person discovery conferences on October 7, 2010 and December 23, 2010;

WHEREAS, fact depositions commenced on September 28, 2010 in Chicago, and additional fact depositions have been held in Illinois, Pennsylvania, California, Massachusetts, Connecticut and New York, but additional fact discovery depositions to be held in Connecticut and New York is not yet complete, due in large part to weather interferences and scheduling conflicts of non-party witnesses through no fault of either of the parties hereto;

NOW, therefore, upon mutual consent, the parties hereby stipulate and agree as follows:

1. Fact discovery must be completed by no later than May 2, 2011.
2. The parties shall serve expert disclosures and expert reports, if any, by no later than May 30, 2011, but shall report to each other no later than May 16, 2011 as to whether either of them plans to present affirmative expert evidence.
3. All depositions of expert witnesses are to be completed by no later than June 20, 2011.
4. The parties shall serve and file any request for a pre-motion conference with respect to any motion for summary judgment by no later than June 30, 2011.

5. The parties shall file a jointly prepared pretrial order no later than July 15, 2011.

6. Each person who executes this Stipulation represents that he or she is counsel for his or her representative client(s) and is executing this document on behalf of his or her respective client(s). The Bankruptcy Court shall retain jurisdiction to resolve any disputes between the parties arising with respect to this Stipulation.

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**IT IS SO ORDERED.**

Dated: March 28, 2011

s/ Robert E. Gerber  
HONORABLE ROBERT E. GERBER  
UNITED STATES BANKRUPTCY JUDGE